

VILLAGE OF ALMONT
ZONING ENABLING ACT COMPLIANCE AMENDMENTS
ORDINANCE NUMBER 159.18

An Ordinance to amend the Almont Village Zoning Ordinance, adopted on December 6, 1994, to bring the Zoning Ordinance into compliance with Public Act 110 of 2006, being the Michigan Zoning Enabling Act.

THE VILLAGE OF ALMONT ORDAINS:

The following specified subsections of the Almont Village Zoning Ordinance are hereby amended to provide as follows:

Section 8.01. Public Hearing.

Requests for Uses Permitted After Special Approval may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and the public hearing has been held. Notice of public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Village . A notice shall also be published once in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published, shall be done not less than fifteen (15) days prior to the hearing.

Section 8.03.3. Record of Decision.

The Planning Commission may deny, approve, or approve with conditions any request for a Use Permitted After Special Approval. A Use Permitted After Special Approval shall be approved if the request is in compliance with the standards stated in the Zoning Ordinance. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed.

Section 19.00. Establishment and Membership of Zoning Board of Appeals.

There is hereby established a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of three (3) members appointed by the Village Council. One (1) member shall be a member of the Village Council. One (1) member shall be a member of the Planning Commission. The remaining member and any alternate members shall be electors who are not employees or contractors of the Village. Two (2) alternate members may also be appointed. An

alternate member may be called to serve on the Zoning Board of Appeals if a regular member is absent or if a regular member has abstained for reasons of conflict of interest. An alternate member who participates in a public hearing shall continue to serve for that case until a final decision is made. Each member and alternate member shall be appointed for staggered terms of three (3) years, except that the term of office of the members who are also members of the Village Council or Planning Commission shall terminate if their membership on the Village Council or Planning Commission terminates. All terms of office shall expire on December 31 of the year in which the term ends. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. The Zoning Board of Appeals shall elect a chairman, vice-chairman, and secretary. The Village Council member may not serve as chairman. No business shall be conducted unless a majority of the regular members of the Zoning Board of Appeals are present. Members of the Board of Zoning Appeals shall be removable by the Village Council for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which he or she has a conflict of interest may constitute misconduct in office.

Section 19.01.3. Applications and Notices of Hearings.

All applications for variances or appeals shall be applied for in writing on forms provided by the Village. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. The Zoning Board of Appeals shall give notice of the hearing by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Village. Notice shall also be published in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published shall be done at least fifteen (15) days prior to the hearing.

Section 19.02.3. Powers.

- A. Administrative Appeals. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. This shall include appeals from Planning Commission decisions as to Uses Permitted After Special Approval and Planned Unit Developments.
- B. Non-Use Variances. The Zoning Board of Appeals shall have the power to vary non-use or dimensional ordinance provisions whenever there are practical difficulties imposed on a property owner if the strict letter of the ordinance is carried out.

C. Use Variances. The Zoning Board of Appeals shall also have the power to grant use variances whenever there are unnecessary hardships imposed on a property owner if the strict letter of the ordinance is carried out. In order to grant a use variance, each of the following requirements shall be met:

1. The situation cannot be self-created.
2. The circumstances must be unique to the property.
3. The character of the neighborhood cannot be altered by the granting of the variance.
4. The land cannot be reasonably built upon in conformity with the Zoning Ordinance.

Section 19.07. Decisions.

- A. The Zoning Board of Appeals shall decide appeals and variance requests in such a manner that the spirit of the ordinance is observed, public safety secured, and substantial justice done.
- B. No variance may be granted or decision overruled unless at least two (2) members vote in favor thereof. No decision can be made unless a majority of the regular members are present. The Zoning Board of Appeals shall state the grounds of each decision.
- C. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:
1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

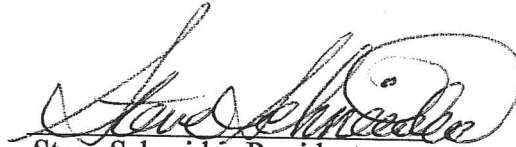
Section 21.01. Definitions.

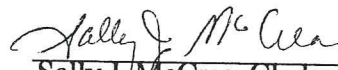
Non-Use Variance. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement of the Zoning Ordinance or which allows for a variation

of a requirement of the Zoning Ordinance not involving the uses permitted within the particular zoning district.

Use Variance. A variance granted by the Zoning Board of Appeals which allows a land use within a zoning district which is not otherwise permitted by the terms of the Zoning Ordinance.

The undersigned President and Clerk of the Village of Almont hereby certify that this Ordinance Amendment was duly adopted by the Almont Village Council at a meeting held on the 15th day of May, 2007, and was published in the Tri City Times on the 23rd day of May, 2007. This Ordinance Amendment shall be effective seven (7) days after said date of publication.


Steve Schneider, President


Sally J. McCrea, Clerk